Remarks/Arguments

Applicant notes that the Official Action of July 27, 2004, states that the application is in condition for allowance except for the requirement to file a terminal disclaimer with regard to U.S. Patent No. 6,714,987, and the requirement to provide class and subclass information. However, the Official Action then provides a substantive rejection of all claims and provides a two month period for reply. Applicant has provided the requested terminal disclaimer herewith, but based on a phone call with the Examiner on October 21, 2004, Applicant believes that the statement that prosecution on the merits is closed was made in error. Similarly, based on the call with the Examiner, Applicant believes that the setting of a two month period for reply was in error and a three month period was intended. Therefore, reconsideration of this application in light of the above amendments and the following remarks is requested.

The specification has been amended to correct some informalities.

Original claims 8-11, 15, 21, 25, 31-32, 34, 41, 43, 55-58, 62, 68, 72, 79, 81, 88, 90, 96-99, 103, 109, 120, 122, 131 have been amended to correct typographical errors.

Objections to the Specification

The Examiner has objected to informalities in the specification. Applicant has submitted corrections to the specification and the claims and now believes that the objections raised by the Examiner have been addressed.

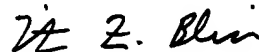### Rejections under 35 U.S.C. § 102

Claims 1, 48, and 95 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,680,922 to Jorgensen ("Jorgensen"). Applicant submits that this reference does not anticipate the subject matter of claims 1, 48, and 95 under 35 U.S.C. § 102(e). The PTO provides in MPEP § 2131 that to anticipate a claim, the reference must teach every element of the claim. Applicant believes that the Examiner has failed to show a teaching of every element of claim 1, 48, or 95.

The Examiner has stated that Jorgensen teaches invocating service through an application server on the network to establish an amount of network resources requested by the first user at Fig. 7, column 52, lines 35-43, and column 82, lines 2-26. Fig. 7 fails to disclose invocation of service through an application server on the network to establish an amount of network resources requested by the first user. According to Jorgensen at column 4, line 47, Fig. 7 illustrates packet header field information. At column 52, lines 34-43, Jorgensen elaborates on the packet header field information of Fig. 7. Finally, column 82, lines 2-26 of Jorgensen is claim 1 of the patent, but also fails to teach invocating service through an application server on the network to establish an amount of network resources requested by the first user, as is required by claims 1, 48, and 95. Since the Jorgensen reference as cited fails to teach at least one element of each of claims 1, 48, and 95, these claims should be allowable. Claims 2-47, 49-94, and 96-135 depend from and further limit independent claims 1, 48, and 95, respectively, and should be allowable for at least the same reasons.

Conclusion

It is clear from all of the foregoing that all pending claims are in condition for allowance. Should the Examiner feel that any further amendments are needed to place this application in condition for allowance, he is invited to contact the undersigned.

Respectfully submitted,

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r-89329.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 27, 2004.

Gayle Conner

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